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10 *Attorneys for Defendant, MONIQUE CONTRERAS*

11 **UNITED STATES DISTRICT COURT**
12
13 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

14
15 **PEOPLE OF CITY OF LOS ANGELES**
16 **WHO ARE UN-HOUSED, AS A**
17 **CLASS REPRESENTED BY D.**
18 **JACOBS**, as representative of a class of
19 unhoused persons who reside and resided
20 in the streets and on the sidewalks of the
21 City of Los Angeles,

22 Plaintiffs.

23 v.

24 **KAREN BASS, ERIC MICHAEL**
25 **GARCEtti, PAUL KREKORIAN,**
26 **ROBERT BLUMENFIELD, NITHYA**
27 **RAMAN, KATY YAROSLAVSKY,**
1 **IMELDA PADILLA, MONICA**
2 **RODRIGUEZ, MARQUEECE-**
3 **HARRIS-DAWSON, JOHN LEE,**
4 **CURREN PRICE, HEATHER HUTT,**
5 **TRACI PARK, HUGO SOTO-**
6 **MARTINEZ, KEVIN DE LEON, TIM**
7 **Mc OSKER, MONIQUE CONTRERAS,**
8 **1 "DOE" BROWN, ONE HUNDRED**
9 **UNKNOWN NAMED DEFENDANTS,**
10 **1-100,**

11 Defendants.

12 CASE NO. 2:24-cv-09320 DOC (MAAx)
13 *Assisigned to: Hon. Judge David O. Carter, Ronald*
14 *Reagan Cthse, Ctrm 10A; Hon. Mag. Maria A. Audero,*
15 *Roybal Bldg, Ctrm. 880*

16
17 **DEFENDANT MONIQUE**
18 **CONTRERAS'S OBJECTIONS AND**
19 **RESPONSE TO PLAINTIFFS'**
20 **STATEMENT OF**
21 **UNCONTROVERTED FACTS AND**
22 **CONCLUSIONS OF LAW ON**
23 **MOTION FOR "PARTIAL**
24 **SUMMARY JUDGMENT ON**
25 **ISSUES F EXCESSIVE FORCE AND**
26 **OF MALICIOUS PROSECUTION";**
27 **ADDITIONAL GENUINE ISSUES**
1 **OF MATERIAL FACT**

2
3 [Filed concurrently with Opposition to Plaintiffs'
4 Motion for Partial Summary Judgment;
5 Declaration of Eric Melendez and Exhibits;
6 Request for Judicial Notice and Exhibits; Notice
7 of Lodging]

8
9 DATE: June 2, 2025
10 TIME: 8:30 AM
11 CTRM: 10A

1 **TO THE ABOVE-ENTITLED COURT, AND TO PLAINTIFF AND HIS**
2 **COUNSEL OF RECORD:**

3 Defendant Monique Contreras hereby submits her Objections and Responses to
4 Plaintiffs' Statement of Uncontested Facts and Conclusions of Law On Motion for
5 "Partial Summary Judgment on Issues f Excessive Force and Maliicious Prosecution".

6 Additionally, Defendant respectfully also submits her Statement of Additional
7 Genuine Issues of Material Fact.

8
9 Dated: May 12, 2025

HYDEE FELDSTEIN SOTO, City Attorney
DENISE C. MILLS, Chief Deputy City Attorney
KATHLEEN KENEALY, Chief Assistant City Attorney
CORY M. BRENT, Senior Assistant City Attorney

12 By: *Ty A. Ford*
13 TY A. FORD, Deputy City Attorney
14 *Attorneys for Defendant, MONIQUE CONTRERAS*

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UNCONTROVERTED FACTS

<u>Plaintiffs' Undisputed Material Facts</u>	<u>Opposing Party's Response and Supporting Evidence</u>
1. On Sept. 2, 2024 defendant Monique Contreras "jabbed" plaintiff David Jacobs with her nightstick. Declaration of David Jacobs, ¶ 3.	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self-serving statement. Without waiving said objections and subject to them, Disputed. <i>See Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV (“BWV”) of Contreras]; Exhibit “3” [BWV of Chavez]; Exhibit “4” [BWV of Espinoza]</i>
2. There is no evidence that Jacobs posed any danger to Contreras or others.	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self-serving statement. Without waiving said objections and subject to them, Disputed. <i>See Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras]; Exhibit “3” [BWV of Chavez]; Exhibit “4” [BWV of Espinoza]; Exhibit “5” [Criminal Complaint]</i>
3. On Sept. 2, 2024, Contreras, without probable cause to do so and with malice, initiated criminal charges for violation of Cal. Penal Code § 245(c) against Jacobs.	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self-serving statement.

1	<i>Id.</i> at ¶ 2.	Without waiving said objections and subject to them, Disputed. <i>See Exhibit</i> “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras]; Exhibit “3” [BWV of Chavez]; Exhibit “4” [BWV of Espinoza]; Exhibit “5” [Criminal Complaint]
8	4. Those charges were dismissed on Oct. 22, 2024. <i>Ibid.</i>	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self- serving statement.
12		Without waiving said objections and subject to them, Disputed. <i>See Exhibit</i> “9” [Mental Health Court minute order dated 10/23/24]
16	5. As a result of those charges, plaintiff was held in the Los Angeles County Jail from Sept. 22, 2024 to Oct. 22, 2024. <i>Ibid.</i>	Objection: Lacks foundation, Misstates the evidence, Argumentative, Self- serving statement.
20		Without waiving said objections and subject to them, Disputed. <i>See Exhibit</i> “6” [Criminal court minute order dated 09/04/24]; Exhibit “7” [Mental Health Court minute order dated 09/18/24]; Exhibit “9” [Mental Health Court minute order dated 10/23/24]

1 **DEFENDANT'S STATEMENT OF ADDITIONAL**
2 **GENUINE ISSUES OF MATERIAL FACT**
3

4 Defendants' Additional Material Facts	5 Defendants' Supporting Evidence
6 1. On September 2, 2024, Officer 7 Contreras and Officer Brown and driving 8 in a marked black and white police SUV.	9 Exhibit “1” [Arrest Report], p. 2; Exhibit 10 “2” [BWV of Contreras] at 14:48:46 ¹ and 11 14:49:23.
12 2. Officer Contreras, who is shorter 13 than Officer Brown, was wearing a full 14 police uniform and a body-worn camera 15 which captured part of the incident.	16 Exhibit “2” [BWV of Contreras]; Exhibit 17 “3” [BWV of Chavez] at 14:52:44 and 18 14:54:05.
19 3. Officer Brown also was wearing a 20 full police uniform but was not wearing a 21 body-worn camera.	22 Exhibit “2” [BWV of Contreras] at 23 14:48:59 to 14:50:38 and 14:55:40; 24 Exhibit “3” [BWV of Chavez] at 14:52:44 25 and 14:55:40; Exhibit “4” [BWV of 26 Espinoza] at 15:01:38 to 15:01:51.
27 4. Officer Contreras and Officer 28 Brown observed Plaintiff's tent erected on a sidewalk within 500 feet of a school in violation of Los Angeles Municipal Code (“LAMC”) section 41.18(e).	29 Exhibit “1” [Arrest Report], p. 2; Exhibit 30 “2” [BWV of Contreras]; Exhibit “5” [Criminal Complaint].
31 5. Officer Contreras recognized 32 Plaintiff's tent and knew that he 33 previously had been warned, cited and	34 Exhibit “1” [Arrest Report], p. 2.

26
27 ¹ All times referenced from the Body Worn Videos (“BWV”) are the military times
28 indicated in the top right corner of each video.

1	booked for violating LAMC section 2 41.18(e).	
3	6. The Officers parked and exited 4 their police vehicle to investigate.	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras].
5	7. The Officers approached 6 Plaintiff’s tent and asked him to exit his 7 tent.	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras] at 14:48:50 to 14:50:35.
8	8. However, Plaintiff opened the flap 9 of the tent and sprayed them with pepper 10 spray.	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras] at 14:50:36 to 14:50:56; Exhibit “5” [Criminal Complaint].
12	9. Plaintiff, who was wearing only 13 shorts and no shirt, then ran from his tent 14 and continued to pepper spray towards 15 the officers as they tried to approach him.	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras] at 14:50:55 to 14:51:30; Exhibit “3” [BWV of Chavez] at 14:52:51; Exhibit “5” [Criminal Complaint].
17	10. Plaintiff also ran into the street to 18 their police vehicle and pepper sprayed it. 19	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras] at 14:51:31 to 14:51:39; Exhibit “5” [Criminal Complaint].
21	22 11. The Officers requested back-up to assist.	Exhibit “1” [Arrest Report], p. 2.
23	24 12. Plaintiff then fled from the area and the Officers chased him on foot. 25	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras] at 14:52:43; Exhibit “3” [BWV of Chavez] at 14:52:48.
27	28 13. Additional officers responded and	Exhibit “1” [Arrest Report], p. 2; Exhibit

1	eventually took Plaintiff into custody.	“2” [BWV of Contreras] at 14:53:12 to 14: xx; Exhibit “3” [BWV of Chavez] at 14:55:38; Exhibit “4” [BWV of Espinoza] at 14:56:29.
5	14. After he was taken into custody and prior to being transported from the scene, Plaintiff admitted that he sprayed the Officers with pepper spray.	Exhibit “1” [Arrest Report], p. 2; Exhibit “4” [BWV of Espinoza] at 14:58:24 to 15:00:29.
9	15. Plaintiff was arrested for violating California Penal Code section 245(c) [assault with a deadly weapon on a peace officer].	Exhibit “1” [Arrest Report], p. 2.
13	16. Plaintiff did not have any visible injuries on his person and no injuries were reported.	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras]; Exhibit “4” [BWV of Espinoza] at 14:56:29 to 15:05:33.
17	17. Officer Contreras did not draw her police baton during the incident, and did not strike or make physical contact with Plaintiff.	Exhibit “1” [Arrest Report], p. 2; Exhibit “2” [BWV of Contreras]; Exhibit “3” [BWV of Chavez]; Exhibit “4” [BWV of Espinoza].
21	18. On September 4, 2024, the City Attorney’s Office filed a misdemeanor complaint, that is signed by the prosecuting Deputy City Attorney, against Plaintiff charging him with violations of California Penal Code sections 148(a)(1) [resisting, delaying or	Exhibit “5” [Criminal Complaint].

1	obstructing officer], 240/241(c) [assault 2 on peace officer], 22810(g)(1) [unlawful 3 use of tear gas] and LAMC section 4 41.18(e) [sitting/sleeping/lying on 5 sidewalk within 500 feet of 6 school/daycare].	
7	19. Plaintiff appeared in court on 8 September 4, 2024, for an arraignment 9 and plea hearing.	Exhibit “6” [Criminal court minute order dated 09/04/24].
10	20. At the Arraignment hearing, 11 Plaintiff’s mental competency was called 12 into question, the criminal proceedings 13 were suspended, and a psychiatrist was 14 appointed to evaluate Plaintiff’s 15 competency.	Exhibit “6” [Criminal court minute order dated 09/04/24].
16	21. The matter was then transferred to 17 the state court’s Mental Health Division 18 for further proceedings.	Exhibit “6” [Criminal court minute order dated 09/04/24]; Exhibit “7” [Mental Health Court minute order dated 09/18/24].
19	22. After evaluation, the Mental 20 Health Division granted Plaintiff 21 diversion on all charges with certain 22 mental health treatment conditions and 23 ordered him conditionally released on 24 October 2, 2024.	Exhibit “8” [Mental Health Court minute order dated 10/02/24].
25	23. All charges were ultimately 26 dismissed pursuant to Penal Code section 27 1385 (interest of justice) on October 23,	Exhibit “9” [Mental Health Court minute order dated 10/23/24].

1 2024.

2 24. No LAPD police officers,
3 including Officer Contreras, were
4 involved in or had any input in the court
5 process in any manner.

Exhibit “5” [Criminal Complaint].

6
7 Dated: May 12, 2025

HYDEE FELDSTEIN SOTO, City Attorney
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